



APPROVED 4/19/06

**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
MARCH 22, 2006**

REGULAR MEETING MINUTES

PRESENT: Steve Steinberg, Chairman
James Heitel, Vice-Chairman
David Barnett, Commissioner
Kevin O'Neill, Commissioner
Eric Hess, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

STAFF PRESENT: Donna Bronski
Tim Curtis
Lusia Galav
Frank Gray
Sherry Scott
Kira Wauwie
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Steinberg at 5:04 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES REVIEW AND APPROVAL

1. March 8, 2006 (including Study Session)

**COMMISSIONER BARNETT MOVED TO APPROVE THE MARCH 8, 2006
STUDY SESSION MINUTES FOR THE PLANNING COMMISSION AND THE**

MARCH 8, 2006 REGULAR MEETING MINUTES FOR THE SCOTTSDALE PLANNING COMMISSION. SECONDED BY COMMISSIONER SCHWARTZ, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

2. 2-TA-2006 ESL Text Amendment

Request by City of Scottsdale, applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance 455), to amend Article VI. Supplementary District., Section. 6. 1083. Amended Development Standards and Section. 6. 1090. ESL submittal Requirements. The purpose of this text amendment is to amend the exemption process related to the 15 feet setback for walls on individual residential lots.

COMMISSIONER BARNETT MOVED TO CONTINUE 2-TA-2006, THE ESL TEXT AMENDMENT TO THE APRIL 19, 2006 PLANNING COMMISSION MEETING. SECONDED BY VICE-CHAIRMAN HEITEL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

3. 4-UP-2006 Mountainside Plaza - M&I Bank

Request by owner for a conditional use permit for a bank on a 1.22+/- acre parcel located at 11612 E. Shea Blvd with Service Residential District (S-R) and Highway Commercial District, Planned Community District (C-3 PCD) zoning.

COMMISSIONER BARNETT MOVED TO APPROVE 4-UP-2006, THE MOUNTAINSIDE PLAZA M&I BANK, ASSUMING IT MEETS THE USE PERMIT CRITERIA. SECONDED BY COMMISSIONER O'NEILL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

4. 17-AB-2005 Windmill Ranch

Request by owner to abandon a portion of the right-of-way easements for Windmill Road located south of the intersection of Windmill road and Stagecoach Pass.

Mr. Greg Williams addressed the Commission. Highlights of his presentation included a site plan, a plan of unpaved trails and the preliminary plat. He noted that the Applicant has proposed to abandon ten feet of the forty-foot right-of-way and most of the easements located throughout the site.

Mr.. Williams explained that all easements would be placed in tracts when the plat is recorded. He noted that the subdivision to the north has a thirty-foot right-of-way and the Stagecoach Pass alignment is at the northern boundary of the Scottsdale City limits. The Transportation Department has considered Windmill Road as local residential, which would allow for the ten-foot abandonment.

In response to a question by Commissioner Schwartz regarding whether the subdivision to the north had any easements, Mr. Williams explained that the area is a dedicated thirty-foot right-of-way and the trail is within the wash on the proposed subdivision.

Commissioner Schwartz reiterated the comments of Commissioner Barnett concerning staff providing adequate information about how decisions are being made. He opined that a better pictorial showing of all of the easements and right-of-ways surrounding the site would provide enough information for the Commission to arrive at more educated decisions. He stated that he would not give recommendation to pass anything if he did not have all of the information to assure that the correct decision was being made; staff should make it their practice to provide information concerning areas surrounding the sites.

In response to an inquiry by Chairman Steinberg, Mr. Williams stated that he did not have any graphics of the area a mile to the north and a mile to the south that had been requested during study session. He clarified that the area a mile north was in the town of Cave Creek, since the Scottsdale boundary is at Stagecoach Drive. He indicated that there was a trails map included in the package. .

Commissioner Barnett inquired about why the easement depicted on attachment number five did not continue through the property to the west on the trails system on the wash. Mr. Williams explained that the dedicated drainage easements are obtained upon approval of building permits and cannot be done all at once; the drainage easement was dedicated on the preliminary plat for the proposed project.

Commissioner Schwartz commented that the map showed an unpaved public trail system and inquired whether within the thirty feet there was a right-of-way for a horse trail in order for people to access the trail systems. He mentioned that the Planning Commission has in the past approved plats subject to an abandonment; he opined because a site cannot be developed unless it has been abandoned first, in order to prevent wasting an applicant's time, the abandonment cases should be heard by the Planning Commission before the pre-plat design gets under way.

Mr. Gray recalled that the Planning Commission had communicated to City Council the suggestion that the land planning and development system should be consolidated into one system. He noted that the current responsibility of the Planning Commission was to determine if the abandonment of the requested easement was appropriate, not whether the plat was proper. He opined that the discussion was a good example of the issue that the land planning and development process really should fall under one body or the other and not be fractured between the two.

Vice-Chairman Heitel mentioned that at a recent meeting staff supported a case which would have tripled the density of almost two hundred acres of land and in this application staff was supporting a narrowing of a roadway. He noted it appeared that staff was supporting tripling densities on R-190s and questioned whether the Commission had the same vision. Mr. Gray opined that there was

no nexus between the two. He noted that the case happened to have a right-of-way which was narrowed to the north and thirty feet wide; Transportation has agreed that thirty feet would be an appropriate width. Staff believed the property would be a disjointed piece of right-of-way that would have no public purpose.

Vice-Chairman Heitel reiterated that in his mind there was a disconnect. Although Transportation was making a recommendation based on current zoning and current traffic that the extra forty feet was not needed, the other side of the scale was tipping toward triplings of densities. Mr. Gray explained that the Transportation Department's recommendation is based on the transportation model, which takes the comprehensive plan densities as if they were completely built out and runs the transportation models on the maximum density permitted under the comprehensive plan and distributes those trips over the street system.

Mr. Jim Ikard addressed the Commission. He noted that the plat is zoned R1-35, which would allow for a lot of homes. His company is only building eight homes on the property.

Commissioner Schwartz inquired what the right-of-way distance of the properties south to Hawknest and what the right-of-way distance of Windmill south of Hawknest would be. Mr. Gray stated that the majority of the properties appear to be about forty feet wide.

Commissioner Schwartz suggested that an abandonment be processed for the rest of the property so that the Commission does not have to take the abandonments in a piecemeal fashion. He opined that an evaluation should be done and brought before the Commission for entire abandonments.

Mr. Gray explained that someone has to go out and actually do the engineering of each parcel and define the parcel of land that is being given up and transferred; that burden is put on the property owner who would be gaining the value of the land. City Council has not found it to be appropriate for the citizens of the City to pay for the abandonments.

Commissioner Schwartz opined that if the amount of time Staff spent trying to put the applications together and the amount of money individuals spend to go through the process were measured, the City would probably be saving a lot of money by not having to deal with the pieces in between.

COMMISSIONER SCHWARTZ MADE A MOTION TO APPROVE 17-AB-2005 REQUESTING THAT IN FUTURE CASES STAFF TAKE A MORE GLOBAL APPROACH. COMMISSIONER HEITEL SECONDED THE MOTION.

Commissioner Steinke commented that there was no mention of a thirty-foot policy in the packet. He opined that staff findings and recommendations serve as guiding information for the Commissioners and the information should have been included either in map format or in writing. Mr. Gray explained that under the impact analysis section, in the second sentence under the subheading Transportation it stated that Windmill Road alignment is classified as a local residential; that statement indicated that there would be a half-street dedication of thirty feet. Commissioner Steinke suggested that in the future instead of saying

the contiguous property went to thirty feet; staff indicate that because of the alignment classification, this is acceptable. .

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 5:30 p.m.

Respectfully submitted,
A/V Tronics, Inc.

Officially approved by the Planning Commission on April 19, 2006

APPROVED